

A P P L I C A T I O N

for

UNITED STATES LETTERS PATENT

on

PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME

by

John C. Reed

Sheets of Drawings: 3

Docket No.: P-LJ 4868

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Antonio De La Cruz
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Antonio De La Cruz
Signature of Person Mailing Paper or Fee

Attorneys

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USPTO CUSTOMER NO. 23601

09/12/01
1060 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL
(only for new and continuation-in-part
nonprovisional applications under 37 CFR
1.53(b))

Docket No.:

P-LJ 4868

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Antonio De La Cruz
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

Antonio De La Cruz
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

This is a request for filing a
☒ new utility patent application under 37 CFR 1.53(b)(1).
☐ continuation-in-part under CFR 1.53(b)(2) of prior
application serial no. _____, filed _____
(list entire parentage).

Title: PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME

Inventor(s) (full name of each inventor): John C. Reed

Enclosed are:

☒ Return receipt postcard
☒ Patent Application Bibliographic Data Sheet
☒ 1 Page application cover sheet
☒ 61 Pages of specification (includes claims and abstract)
☒ 3 Sheets of drawing(s)
☐ Pages of an executed Declaration for Patent Application
☐ An executed Power of Attorney for Patent Application by
Assignee
☒ Paper copy of sequence listing, pages 1 through 5
☒ Sequence listing in computer readable form
☒ Statement Under 37 CFR 1.821(f)
☐ An executed assignment and recordation form cover sheet
☐ An executed Statement Under 37 CFR 3.73(b)
☒ An executed small entity statement
☐ Request for Nonpublication and Certification
☐ Also enclosed: _____

☐ This application is based on prior foreign application(s)
No.(s) _____, filed in _____ on _____
_____, respectively, and priority is hereby claimed
therefrom.

☐ This application is based on, and claims the benefit of,
U.S. Provisional Application No. 60/_____, filed _____
, and entitled _____, and which is incorporated
herein by reference.

Inventor: John C. Reed
Docket No.: P-LJ 4868
Page 2 of 2

x This application is based on, and claims the benefit of, U.S. Provisional Application No. 60/_____ (yet to be assigned), filed September 13, 2000, which was converted from U.S. Serial No. 09/661,014, and entitled PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME, and which is incorporated herein by reference.

The filing fee has been calculated as shown below:

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	46 - 20	=	26	x	\$9	\$18	=	\$234	\$
Indepen- dent Claims	10 - 3	=	7	x	\$40	\$80	=	\$280	\$
Multiple Dependent Claims Presented: ___ Yes ___x No					\$135	\$270		\$0	\$
					BASIC FEE			\$355	\$710
					TOTAL FEE			\$869	\$

X A check in the amount of **\$869.00** is enclosed, which covers the small entity filing fee of \$869.00.

___ The payment of the filing fee is to be deferred until the Declaration is filed. Do not charge our deposit account.

X The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Address all future communications to:

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USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: September 12, 2001

Andrea L. Gashler
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PATENT

Our Docket: P-LJ 4868

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
John C. Reed)
Serial No: Not Yet Assigned)
Filed: Herewith)
For: PLANT CYTOPROTECTIVE)
GENES AND METHODS OF)
USING SAME)
_____)

Commissioner for Patents
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability

Inventor: John C. Reed
Serial No.: Not Yet Assigned
Filed: Herewith
Docket No.: P-LJ 4868
Page 2

company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that

Inventor: John C. Reed
Serial No.: Not Yet Assigned
Filed: Herewith
Docket No.: P-LJ 4868
Page 3

would qualify if it were located in this country.
§ 1.27(a)(3)(ii)(C),(D).

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

None

Inventor: John C. Reed
Serial No.: Not Yet Assigned
Filed: Herewith
Docket No.: P-LJ 4868
Page 4

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

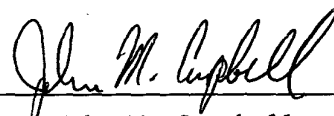
I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

8/28/07

Date



Name: John M. Campbell

Title: Director of Intellectual Property

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La Jolla, California 92037